

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSCAR MUNOZ ARIAS,

No. C-11-0166 TEH (PR)

Plaintiff,

v.

ORDER OF DISMISSAL; COMPLAINT
FILED IN ERROR; NO FILING FEE
DUE

UNITED STATES OF AMERICA,

Defendant.

(Doc. #4)

Plaintiff has filed a "Motion to Dismiss the Complaint Filed by Error" (Doc. #4), in which he explains that the action initiated in this Court on January 11, 2011 was filed in error as a new civil rights complaint rather than a motion for a speedy trial in his pending criminal case, United States of America v. Garcia, et. al., No. CR-10-00301-DLJ (N.D. Cal. filed April 15, 2010).

Good cause appearing, Plaintiff's "Motion to Dismiss the Complaint Filed by Error" is GRANTED. No filing fee is due. The instant action is DISMISSED. The Clerk shall terminate any pending motions as moot and close the file.

IT IS SO ORDERED.

Dated: 02/15/2011


THELTON E. HENDERSON
United States District Judge